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rendering the gratuitous services is always considered a proper element of damages. *Dean v. Wabash R. Co.*, 229 Mo. 425, 129 S. W. 953. Also, where the services were rendered in a professional capacity, it has been held that their value is admissible in evidence although they were rendered by a member of the plaintiff's family. For example, where the person rendering the services was a professional nurse. *Kimball v. Northern Electric Co.*, 159 Cal. 225, 113 Pac. 156.

But the better view, and the one upheld by perhaps a majority of the courts is that the value of gratuitous services is admissible in evidence although the services were rendered by a member of the plaintiff's family. *Wells v. Minneapolis Baseball, etc., Ass'n*, 122 Minn. 327, 142 N. W. 706, 46 L. R. A. (N. S.) 606, Ann. Cas. 1914D, 922; *Varnham v. City of Council Bluffs*, *supra*. The services thus gratuitously and voluntarily rendered are intended for the benefit of the plaintiff and not for the benefit of the defendant. See *Wells v. Minneapolis Baseball, etc., Ass'n*, *supra*.

There is no Virginia case directly in point. In the case of *Norfolk Ry. and Light Co. v. Spratley*, 103 Va. 379, 49 S. E. 502, a judgment in the lower court that money expended by a mother for medical attention to her child could be recovered in an action by the child was allowed to stand, the court refusing to discuss the point involved because no exception was properly taken.

**FORFEITURES—PROPERTY OF INNOCENT PERSONS USED IN VIOLATION OF LAW.**—The driver of an automobile brought intoxicating liquors into the State in violation of the law. In an information to enforce forfeiture of the automobile under the Prohibition Act of 1918, the defense was ignorance of the owner of the car of its unlawful use. Held, the automobile is forfeited. *Landers v. Commonwealth* (Va.), 101 S. E. 778. For discussion of principles, see NOTES, p. 583.

**INTOXICATING LIQUOR—DAMAGES ALLOWED FOR MENTAL SUFFERING CAUSED BY UNLAWFUL SEARCH AND SEIZURE.**—The plaintiff, while alighting from a train, intrusted her suit case to a transfer man, and a short time later the city marshal searched the suit case for alcoholic liquors supposed to belong to the transfer man over his protest and without a search warrant. An action for compensatory damages including mental suffering was brought. Held, mental suffering is a proper element of damages. *United States Fidelity and Guaranty Co. v. State* (Miss.), 83 South. 610.

This decision was based on a violation of the Bill of Rights relating to unlawful searches and seizures which the defendant, as city marshal, was presumed to know. A willful wrong having been committed, damages for resulting mental suffering were properly submitted to the jury. *United States Fidelity and Guaranty Co. v. State*, *supra*.

Damages for mental suffering have been allowed in cases of willful wrong, especially those affecting the liberty, character, reputation, personal security or domestic relations of the injured party. See *Western Union Tel. Co. v. Rogers*, 68 Miss. 748, 9 South. 823, 13 L. R. A. 859, 24

Am. St. Rep. 300; *Summerfield v. Western Union Tel. Co.*, 87 Wis. 1, 57 N. W. 973, 41 Am. St. Rep. 17; *Small v. Lonergan*, 81 Kan. 48, 103 Pac. 27, 25 L. R. A. (N. S.) 976.

Injury to the plaintiff's reputation and feelings may be alleged, proved and recovered for in damages for the unlawful entering and searching of his house for stolen goods. *Anonymous*, Minor (Ala.) 52, 12 Am. Dec. 31; *Larther v. Forgay*, 2 La. Ann. 524, 46 Am. Dec. 554; *Fennemore v. Armstrong*, 6 Boyce (Del.) 35, 96 Atl. 204; 35 Cyc. 1277. The unlawful search of a person's home is such a wrongful act as to cause mental suffering and humiliation for which the defendant must respond in actual damages, though such damages are not capable of exact measurement in dollars and cents, and though the act did not affect such person's standing in the community. *Krehbiel v. Henkle*, 152 Iowa 604, 133 N. W. 115; 24 RULING CASE LAW, 727, 728. So, damages were held recoverable for mental suffering as a consequence of an unlawful search of the dwelling of a widow against her consent in the night, when she was alone in the house, for the avowed purpose of connecting her son with a burglary. *Shall v. Minneapolis, etc., R. Co.*, 156 Wis. 195, 145 N. W. 649, 50 L. R. A. (N. S.) 1151. In *Weyer v. Wegner*, 58 Tex. 539, an action for unlawful search, it was held that evidence of insulting conduct on the part of the defendant while making the search should be taken into consideration in fixing the damages.

Although it is not a question touched upon in the instant case, it is to be noted that in an action for unlawful search it is no defense to say that the plaintiff was a thief or did in fact have the stolen property upon his premises or person. The doctrine or rule of probable cause has no application, unless in mitigation of exemplary damages. *McClurg v. Brenton*, 123 Iowa 368, 98 N. W. 881, 101 Am. St. Rep. 323, 65 L. R. A. 519. Nor does the fact that the accused, in order to prove his innocence, consented to the search, relieve the defendant from liability. *Regan v. Harkcy*, 40 Tex. Civ. App. 16, 87 S. W. 1164.

**JURY—WOMEN NOT QUALIFIED BY SUFFRAGE AMENDMENT.**—Under the State constitution women were entitled to vote. The board of assessors and the commissioner of jurors refused to include in the jury list women citizens of the county. On the ground that the right of jury service is incidental to suffrage, an application was made for an order for a peremptory writ of mandamus directing the board and commissioner to complete the jury list by including the names of qualified women. *Held*, the writ of mandamus is denied. *In re Grilli*, 179 N. Y. Supp. 795. For discussion of principles involved, see NOTES, p. 589

**LANDLORD AND TENANT—SURRENDER OF LEASED PREMISES BY OPERATION OF LAW.**—The plaintiff corporation, lessees of a building for a term of years, entered into an oral agreement with the lessors whereby they, the lessees, should move out while the leased building was being destroyed and a new one erected in its place. On the strength of this agreement the lessors made contracts for the erection of the new building and operations to that end were begun. The plaintiff then sought